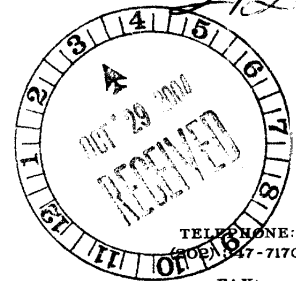


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October 29, 2004



WRITER'S E-MAIL:  
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**VIA HAND DELIVERY**

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Room 711  
Washington, D.C. 20423

ENTERED  
Office of Proceedings  
OCT 29 2004  
Director

Re: Docket No. 42088, Western Fuels Association, Inc.  
and Basin Electric Power Cooperative v. The  
Burlington Northern and Santa Fe Railway Company

Dear Secretary Williams:

Enclosed for filing in the referenced proceeding please find an original and ten copies of the joint Report on the Parties' Conference Pursuant to 49 C.F.R. § 1111.10(b). The Report contains a negotiated procedural schedule for this case which the parties request the Board to adopt.

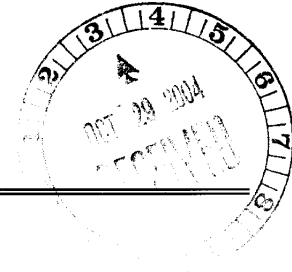
An additional copy of this filing also is enclosed. Kindly indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter.

Sincerely,

Christopher A. Mills

CAM:dmb  
Enclosures  
cc: Anthony A. LaRocca, Esq. (counsel for Defendant)

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



**WESTERN FUELS ASSOCIATION, INC.  
and BASIN ELECTRIC POWER  
COOPERATIVE**

**Complainants,**

**v.**

**THE BURLINGTON NORTHERN AND  
SANTA FE RAILWAY COMPANY**

**Defendant.**

**Docket No. 42088**

ENTERED  
Office of Proceedings

**OCT 29 2004**

Part of  
Public Record

**REPORT ON THE PARTIES' CONFERENCE  
PURSUANT TO 49 C.F.R. § 1111.10(b)**

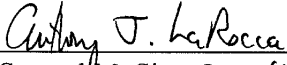
Counsel for the parties have conducted a conference to discuss procedural and discovery matters in this case pursuant to 49 C.F.R. § 1111.10(b). The results of their conference are summarized below.

1. The parties have agreed upon a procedural schedule for this case. The proposed procedural schedule is set out in the attached Appendix. The parties request that the Board issue an order adopting this schedule.
2. Complainants expect to file shortly a motion with the Board requesting that a protective order be entered in this proceeding similar to the order adopted by the Board in Docket No. 41191 (Sub-No. 1), AEP Texas North Company v.

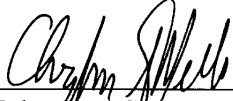
The Burlington Northern and Santa Fe Railway Company. Defendant's counsel has indicated that Defendant has no objection to such a motion.

3. Counsel agreed that the parties will serve all papers on their Washington counsel by hand-delivery.

Respectfully submitted,

  
\_\_\_\_\_  
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Electric Power Cooperative

Dated: October 29, 2004

**APPENDIX**

PROPOSED SCHEDULE FOR STB DOCKET NO. 42088

<u>Date</u>	<u>Event</u>
October 19, 2004	Complaint filed
November 8, 2004	Answer to complaint due
December 7, 2004	Staff-supervised discovery conference
January 21, 2005	End of discovery
April 5, 2005	Opening evidence due
May 3, 2005	Staff-supervised technical conference
July 6, 2004	Reply evidence due
September 2, 2005	Rebuttal evidence due